

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

HANDLEY,

Plaintiff,

v.

CITIGROUP, et al.

Defendants.

:
: Hon. Faith S. Hochberg
:
: Civil No. 05-4342 (FSH)
:
: **ORDER**
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: Date: February 23, 2007
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HOCHBERG, District Judge:

This matter having come before the Court upon Plaintiff's "Motion to Reinstate Civil Action Against Citigroup and Dismiss Proceedings Against Chase/Bank One Without Prejudice and/or Reinstate Stay for One or Both Defendants" dated August 16, 2006; and

it appearing that Defendant Bank One Corporation filed a Motion to Stay or Dismiss the Complaint and to Compel Arbitration under the Federal Arbitration Act, 9 U.S.C. §1 et seq. (the "FAA") based on the credit card agreement between Plaintiff and Bank One Corporation;

it appearing that on May 10, 2006, this Court granted Defendant Bank One Corporation's Motion to Stay or Dismiss the Complaint and, which stayed all further proceedings in the matter and required that the parties to the motion – Plaintiff and Bank One Corporation – submit the dispute to arbitration; and

it appearing that Plaintiff's August 16, 2006 motion requests that this Court "either terminate [Bank One Corporation] from the proceedings, without prejudice, so that plaintiff's

civil action against Citigroup can go forward without delay and/or reinstate the Stay for both defendants pending arbitration between plaintiff and [Bank One Corporation]”; and

it appearing that the May 10, 2006 order did in fact stay the proceedings against both defendants pending the outcome of the arbitration between Plaintiff and Bank One Corporation; and

it appearing that neither Defendant opposes the May 10, 2006 order nor Plaintiff’s motion; and

IT IS on this 23rd day of February 2007,

ORDERED that Plaintiff’s Motion dated August 16, 2006 is **DENIED** as moot, as this Court’s August 10, 2006 dictates the same outcome that Plaintiff seeks; and it is further

ORDERED that arbitration proceedings between Plaintiff and Defendant Bank One Corporation proceed, and that all other proceedings in the matter are **STAYED** pending the outcome of that arbitration; and it further

ORDERED that Plaintiff may seek to lift the stay against either or both Defendants only after arbitration proceedings between Plaintiff and Defendant Bank One Corporation have reached a conclusion.

/s/ Faith S. Hochberg
Hon. Faith S. Hochberg, U.S.D.J.